

Peter Goldstein [SBN 6992]
PETER GOLDSTEIN LAW CORP
peter@petergoldsteinlaw.com
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
Telephone: (702) 474-6400
Facsimile: (888) 400-8799

Clyde M. Rastetter (*pro hac vice*)
Kopke Christiana & Rastetter LLP
clyde@kcrllp.com
199 Cook Street, Suite 308
Brooklyn, NY 11206
Telephone: (917) 451-9525
Facsimile: (347) 315-9815

*Attorneys for Plaintiffs Mary Smith,
Individually, and as Special Administrator
of the Estate of James Perea*

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA (LAS VEGAS)**

MARY SMITH, individually, and as Special
Administrator of the Estate of JAMES PEREA,

Plaintiffs,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT; WELLPATH, LLC; RN RACHEL
CLARK; RN TANJA WASIELEWSKI; RN
GENEVA BESSIE; LCSW SANDRA CELIS;
MA/LNA MELEKA ST. JOHN; RN STEPHANIE
ESTALA; NP HUGH ANDREW ROSSET; NP
SHELLEY AMEDURI; PA ANDREA BALOGH;
RN AYNUR KABOTA; CORRECTIONS OFFICER
VANESSA MITCHELL; CORRECTIONS
OFFICER DON'TE MITCHELL; CORRECTIONS
OFFICER JOSHUA WALDMAN; DOES 1-30,

Defendants.

Case No. 2:23-cv-00092-JAD-NJK

**STIPULATION TO MODIFY THE
DEADLINES TO RESPOND AND
REPLY TO DEFENDANTS' MOTIONS
FOR SUMMARY JUDGMENT**

(Second Request)

[ECF No. 134]

Pursuant to Federal Rule of Civil Procedure 6(b) and Local Rule IA 6-1, Mary Smith,
individually and as Special Administrator of the Estate of James Perea ("Plaintiff"), Las Vegas

1 Metropolitan Police Department, Vanessa Mitchell and Don'te Mitchell ("LVMPD Defendants"),
 2 and Wellpath, LLC, Rachel Clark, Tanja Wasielewski, Geneva Bessie, Sandra Celis, Meleka St.
 3 John, Stephanie Estala, Hugh Andrew Rosset, Shelley Ameduri, and Andrea Balogh ("Wellpath
 4 Defendants") through their respective Counsel, **stipulate, agree, and request that this Court extend**
 5 **the deadlines for Plaintiff to respond to, and for all Defendants to reply regarding, Defendants'**
 6 **Motions for Summary Judgment filed on October 7, 2024 (ECF Nos. 121–23), from the current**
 7 **deadlines of November 19, 2024 for Responses and December 3, 2024 for Replies, until**
 8 **December 9, 2024 for Responses and January 6, 2025 for Replies.** This is the second request for
 9 modification of the deadline for Responses, but the first stipulation requesting modification of the
 10 deadlines both for Responses and Replies.

11 On October 7, 2024, all Defendants filed Motions for Summary Judgment. (ECF Nos.
 12 121–23). On October 16, 2024, Plaintiff requested a stay of the briefing schedule pending the
 13 Court's ruling on Plaintiff's objections at ECF No. 101. (ECF No. 127). On October 30, 2024, the
 14 Court denied Plaintiff's objections (ECF No. 132) and granted in part Plaintiff's motion regarding
 15 the briefing schedule by extending Plaintiff's deadline to respond to the Defendants' motions until
 16 November 19, 2024. (ECF No. 133). The deadline for Defendants to file replies in support of their
 17 motions is presently December 3, 2024. (LR 7-2(b)).

18 Federal Rule of Civil Procedure 6(b) and Local Rule IA 6-1 impose a good cause standard
 19 regarding the extension of deadlines that have not yet expired, which is a "non-rigorous standard
 20 that has been construed broadly across procedural and statutory contexts." *Ahanchian v. Xenon*
 21 *Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2010).

22 The parties stipulate and agree that good cause exists to extend the deadlines for
 23 responding and replying to the present summary judgment motions due to pre-existing personal
 24 and family commitments that will substantially impact the availability of Clyde Rastetter, co-
 25 counsel for Plaintiff, during the current briefing period. Specifically, he has long-standing
 26 obligations requiring out-of-state travel during two of the weeks prior to the present November 19,
 27 2024 deadline for Plaintiff to file responses, including a wedding in California next week and a
 28

1 milestone family celebration in Michigan the week after.

2 The parties stipulate and agree that this extension will not create an unnecessary delay to
3 the resolution of this case. The proposed extension will ensure adequate time for comprehensive
4 briefing and ensure that the Court has appropriate briefing before making a ruling on the merits.

5 DATED this 1st day of November, 2024

DATED this 1st day of November, 2024

6
7 By: /s/Peter Goldstein
8 Peter Goldstein (SBN 6992)
9 10161 Park Run Drive, Suite 150
10 Clyde Rastetter (*pro hac vice*)
11 199 Cook Street, Suite 308
12 Brooklyn, NY 11206
13 *Attorneys for Plaintiffs*

By: /s/Robert Rourke
Robert D. Rourke (SBN 5757)
S. Brent Vogel (SBN 6858)
6385 S. Rainbow Blvd, Suite 600
Las Vegas, NV 89118
Attorneys for the Wellpath Defendants

12 DATED this 1st day of November, 2024

13
14 By: /s/Kristopher Kalkowski
15 Lyssa S. Anderson (SBN 5781)
16 Kristopher J. Kalkowski (SBN 14892)
17 1980 Festival Plaza Drive, Suite 650
18 Las Vegas, NV 89135
19 *Attorneys for the LVMPD Defendants*

20 ORDER

21 Based on the parties' stipulation [ECF No. 134] and good cause appearing, IT IS HEREBY
22 ORDERED that **the briefing deadlines for the pending motions for summary judgment [ECF**
23 **Nos. 121, 122, and 123] are EXTENDED: Responses are due December 9, 2024, and Replies**
24 **are due January 6, 2025.**

25
26
27
28

UNITED STATES DISTRICT JUDGE
November 6, 2024